UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.254
17 November 1995

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Tenth session

SUMMARY RECORD OF THE 254th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 November 1995, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

CONTENTS

GENERAL DISCUSSION ON THE ADMINISTRATION OF JUVENILE JUSTICE (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.95-19590 (E)

The meeting was called to order at 3.05 p.m.

GENERAL DISCUSSION ON THE ADMINISTRATION OF JUVENILE JUSTICE (agenda item 6) (continued)

1. The CHAIRPERSON invited the participants in the thematic discussion to address the Committee.

2. Mr. DUNANT (International Association of Juvenile and Family Court Magistrates) said that extremely important legislative texts had recently been amended and alternatives had been found to the imprisonment of minors in conflict with the law. However, his Association was concerned about the gap which existed between national legislation, without even referring to the Convention on the Rights of the Child, and its specific application. The police officer or judge who took the decision to keep a youth in prison instead of returning him immediately to his parents assumed a heavy responsibility and the direction of an entire life might depend on a decision that was usually taken a few hours after the youth had been stopped in the street.

3. Police custody varied from one country to another, but he would like to know why so many children and adolescents were so often held in police stations for several days or several weeks. The situation was even more dramatic when the youth was released by the police without any trace of his unlawful detention. In some cases, the police did not transmit any document to the judicial authorities.

4. Pre-trial detention should be used only as a last resort and should be as brief as possible. The law should place a limit on the length of pre-trial detention and, before a judge or public prosecutor could extend it, he would have to request authorization to do so from a higher judicial body and give the reason for his request. It would then be seen that the judge or public prosecutor would prefer to release the adolescent rather than give a reason for his request. If the period of time was not respected, the release of the adolescent should be automatic and compulsory.

5. He had visited a modern pre-trial detention centre located in a European country and intended for boys between 13 and 18 years of age, who had finally been separated from adults. However, the adolescents had no contact with their families. In that case, it would suffice for one lawyer or NGO to point out that, to detain those boys for between one and four years without giving them any possibility of attending school, learning a trade or practising sports was clearly contrary to article 40, paragraphs 1 and 4, of the Convention on the Rights of the Child, which the country in question had ratified. To improve those conditions, States should authorize independent monitoring bodies to have access to closed institutions and other prisons.

6. In countries which had no juvenile courts, he proposed that, without increasing the number of public prosecutors or judges, all proceedings involving minors might be handled by the same judges instead of being shared out among prosecutors and judges. The judges in question would thus have an

opportunity to gain specialized knowledge. Every country and even every local authority should, however, be creative and develop its own procedures and original institutions, depending on its needs.

7. Mr. GARCIA MENDEZ (UNICEF) said that the Convention was a universal legal instrument that had to be implemented in the context of at least three legal cultures in the world. In the case of the Latin American countries, which belonged to the so-called Napoleonic tradition of codified law, the Convention could be implemented only if it was incorporated into internal law. There were no significant judicial rulings in Latin America based directly on the Convention.

8. With regard to the question of adolescents in conflict with criminal law, two approaches were predominant in Latin America. According to the so-called hypocritical retributionism approach, criminal law was the only solution to social problems and, according to the second, the so-called naive paternalism approach, children and adolescents never committed serious offences and, if they did, it was something that should be forgiven. The experience of some Latin American countries clearly showed that, when the State did not provide a serious answer, society sometimes offered a brutal one. Those two apparently antagonist positions had many points in common and had helped to legitimize each other. Both established an automatic link between poverty and crime.

9. In Latin America, juvenile delinquency was still regarded as a vague sociological category. The problem of children deprived of their liberty should be only a small part of the situation of children and adolescents in conflict with the law, but, in fact, it was the largest part. The total discretionary power of the judges over minors made it possible for a child to be deprived of his liberty or to be released after he had committed a serious offence. The time had come to incorporate the dimension of legal guarantees, which was in fact a dimension of human rights.

10. Reducing the number of adolescents and children deprived of their liberty was not only a moral problem. It was also a legal one and, in that sense, it was necessary to avoid any temptation to request judicial assistance to apply penalties which belonged to the welfare system.

11. Mr. PARRY WILLIAMS (International Save the Children Alliance (ISCA)) said that ISCA believed in minimizing the contact of children with the criminal justice system at all levels and, in that connection, he drew the Committee's attention to the importance of the traditional justice system in improving the situation of children in conflict with the law.

12. In a number of developing countries with large populations, especially in Africa and South-East Asia, the traditional justice system dealt with the vast majority of children in conflict with the law. The result was that few were referred to the central justice system. The major benefits of the traditional justice system included the fact that children remained in their families and their communities with minor disruption to their lives. The components of the traditional justice system included the restoration of equilibrium in the community, forgiveness and reconciliation; incarceration was, moreover, extremely rare. That did not mean, however, that there was no abuse in some

traditional justice systems. Corporal punishment was a prime example. Another form of abuse was that children were sometimes regarded as the property of their parents, who could do with them as they wished.

13. Where traditional justice systems had a positive concern for the well-being of children, their understanding of children's needs and rights should be enhanced through dialogue and the strengthening of structures.

14. The modern juvenile justice system abused the rights of the child much more than the traditional justice system. The causes of the problems in modern juvenile justice systems included attitudes, the lack of training and the lack of funds. The modern juvenile justice system could be counter-productive and damaging if close attention was not paid to the socio-economic and political situation. ISCA requested the Committee to highlight traditional justice systems as possible ways to provide better justice, especially in rural areas. It also requested the Committee to emphasize the importance of research and to consider the question of funding sensitization and monitoring in respect of the rights of the child as a means of developing traditional justice systems.

15 The Committee should give guidance to countries considering the reform of their national legislation. It was essential that groundwork should be done in the form of research, consultation and efforts to obtain political support.

16. In conclusion, ISCA hoped that the Committee would support ombudsmen at both the Government and the independent levels to advocate, monitor and protect the rights of children.

17. Mr. MOMBESHORA said that the starting point for the justice system should be the family itself, which provided the environment for a child's development. The possibility of a child committing an offence or coming into conflict with the law could be minimized if the family environment was good. The community also played an important role in that regard and, where a child had committed a crime, the importance of a trial or a sentence could be minimized by community leaders or by virtue of the traditional system of justice.

18. Mrs. SANTOS PAIS said that there might be cases where children should be dealt with in the context of welfare institutions, where it would not be possible to question the legality of the deprivation of liberty.

19. In some reports submitted to the Committee, flogging and whipping were presented as a possible solution for children. In fact, parents themselves were asked to perform the flogging and whipping to show the community that the child had been punished. In that regard, it could be asked whether such measures were not contrary to the basic purpose of the Convention, namely, respect for the dignity of the child, but, by referring to articles 37 and 39 of the Convention, the Committee would be stating that they were.

20. With respect to visits to places of detention, it was important not to forget what could be done at the national level because, if there was an independent national system for visits to places of detention by judges, volunteers and ombudsmen, an international response might not be necessary in

the early stages. It was also interesting to note that ombudsmen should act in such a way as to guarantee respect for children's rights, thereby ensuring complementarity between the various instruments.

21. Mr. HAMMARBERG said that the social welfare approach was unfortunately not the case in all countries and attitudes in some industrialized countries were even hardening. One factor was the role of the media, which often exaggerated and sensationalized the scope of juvenile delinquency and made young people a scapegoat for society's problems. That problem was difficult to deal with if censorship was to be avoided. In his view, the Committee had a right to express its concern at the role of the media and NGOs should also challenge the media to examine the effect they had on public attitudes towards the treatment of those unfortunate children.

22. Mrs. KARP said that some traditional systems of justice patronized children, regarded them as the property of the family and did not follow the principle of participation. Research should therefore be conducted to identify which models of traditional systems were compatible with the Convention and implemented by people trained in the Convention's ideas, and only those models should be encouraged. Research should also focus on the use of criminal records, with a view to protecting children from stigmatization.

23. Mrs. SKELTON (Lawyers for Human Rights, South Africa) said that, since the firm commitment given to children's rights by Nelson Mandela in his first speech as President, South Africa had ratified the Convention on the Rights of the Child, abolished whipping and enacted legislation limiting the holding of juveniles awaiting trial in prisons or police cells. That clearly indicated that the political will existed for substantial reform in the field of children's rights.

24. Her country was in a unique situation with regard to juvenile justice, as it did not have to be content with making adjustments to an existing system, but was able to start afresh. In developing its juvenile justice system, it was using international instruments as an important source of wisdom. Other source were restorative justice and African traditional methods of conflict resolution. Restorative justice might be a good paradigm for giving life to the standards set out in the international instruments, because of the emphasis placed on reconciliation, rest and healing, on participation by the young person, family and community, and on the spirit of ubuntu or the community approach. Referring to arguments about the risks involved in traditional systems, she said that customary law was a living system that could be broadened to take new standards into consideration.

25. There were, however, challenges involved in integrating traditional systems: informal justice methods must include due process; a community-based, individualized approach must also achieve equality and efforts should aim at ensuring that culture and custom did not clash with the Convention on the Rights of the Child. South Africa did not advocate a wholesale return to traditional justice, but the use of its special qualities for diverting children away from the formal justice system.

26. Mr. ABU HARTHIEH (Defence for Children International) said that the joint legal aid project sponsored by the Palestine and Israel sections of Defence

for Children International for providing free legal assistance to Palestinian minors from the West Bank accused of committing security offences and tried before Israeli military courts aimed at protecting minors' basic rights from the moment of arrest until release.

27. The joint project had prepared a detailed report on the lack of a juvenile justice system in the Israeli-occupied West Bank, which was available to members. Its aim was to draw attention to the alarming absence of appropriate legal protection for such children and to propose recommendations. Despite the peace negotiations, the general situation had in some respects deteriorated.

28. Palestinian minors were entitled to general protection under the fourth Geneva Convention, the general principles of international humanitarian law and article 2, paragraph 1, of the Convention on the Rights of the Child, which the Israeli Government had ratified without any reservations.

29. The Israeli military courts had been established in 1967 and had jurisdiction over all criminal and political cases where there was an Israeli interest. In the West Bank, the five military courts tried offences committed in the West Bank and outside it if they affected or were intended to affect the security of the Israelis in the region. The system made no special provision for the trial of juveniles and the joint project found that it violated the spirit and letter of article 40, paragraphs 2 and 3, of the Convention on the Rights of the Child. The joint project requested that: (1) the Committee should explicitly state that the Convention on the Rights of the Child applied to all children in the occupied territories and urge the Israeli Government to codify the Convention, apply it to the occupied territories and fully respect the provisions of the fourth Geneva Convention; (2) the Committee should enter into dialogue with Israel on the implementation of the Convention in the occupied territories and bring pressure on Israel to ensure that special judges, as described in the project report, should sit in the military court as juvenile judges and that juvenile probation officers should advise the judges; (3) the Committee on the Rights of the Child, the Committee against Torture and the Special Rapporteurs on torture and arbitrary detention should coordinate their recommendations and guidelines in order to improve effectiveness; (4) the United Nations Expert on Children in Armed Conflicts should consider the situation of Palestinian children in her report; and (5) the relevant Israeli authority should be urged to provide and publish data on arrests, detention, trial and imprisonment of minors up to the age of 18 in order to rectify the lack of accurate data on detained Palestinian children.

30. Military proceedings covering the period of arrest, detention and trial had to be improved in four areas: first, there should be a child-oriented system of juvenile justice. Every child should have the right to see his lawyer and be visited by his parents immediately after arrest. Secondly, due process rights should apply during the period of arrest. Every minor should appear before a judge within 24 hours or be released immediately. The extension of arrest should always take place before an open court with the assistance and in the presence of a lawyer and the child's parents, who should be informed immediately of the place of arrest. All regulations allowing the use of force, including firearms, when arresting children should be abolished

and no child should be arrested at night. Bail applications for children should be heard within three days after the submission of the application.

31. Thirdly, there should be due process rights during the period of investigation. The Landau Commission authorized General Security Services interrogators to use "moderate physical pressure" if psychological pressure did not prove effective. The experience of the joint project was that children could be interrogated using physical force that sometimes constituted torture and was so severe that most of them confessed whether they were guilty or not. Furthermore, a child was never sure of the charges: one 16-year-old had first been accused of throwing stones, to which he had confessed under heavy interrogation, with loss of consciousness, but was subsequently also charged with membership in the Hamas organization and distributing Hamas leaflets.

32. Interrogation was the most secret, hideous period of the entire process of detention. Accordingly, he recommended that there should be an absolute and unconditional prohibition of the use of pressure, both physical and psychological, during the interrogation of children. The Committee should urge the Israeli authority to make it compulsory for all law enforcement officials to abide by human rights and confessions given in the absence of a lawyer or parent should not serve as evidence at a trial.

33. The fourth area concerned the period between interrogation and trial. The joint project requested the Committee to urge Israel to abolish orders that allowed parents to be fined for offences committed by under-age children. Personal responsibility should be one of the features of all criminal proceedings. Special military judges should sit as juvenile judges and no officers without legal training should serve as judges or prosecutors. All judges should be trained in how to take the best interests of the child into account and every child should have an unconditional right to appeal.

34. Mr. SINHA (Terre des Hommes, Geneva) said that he was speaking on behalf of Bal Sakha ("Childhood Friend" in Hindi), a children's support group in Bihar, India, affiliated with Terre des Hommes, Geneva.

35. Although the Juvenile Justice Act in India was an excellent piece of legislation, its implementation was neglected in practice. Bal Sakha's efforts therefore focused on bridging the gap between the legislation and its inadequate implementation. To that end, its local action groups worked to defend the rights of juveniles in State custody, fought for proper conditions in remand homes and facilitated the release and rehabilitation of children in detention.

36. Bal Sakha's strategies focused on three areas. First, it provided direct help to juveniles in custody by working as a liaison between the courts, the children and their families. Secondly, it sought to raise public awareness of children's rights among concerned professionals, i.e. judges, civil servants, lawyers and politicians and the public at large, including the media. The third strategy involved legal action for the reform of the system; in a number of instances, Bal Sakha had instituted legal proceedings leading to the

quashing of some 1,055 cases. The number of street children in remand homes had dropped, since the authorities often contacted Bal Sakha rather than send them to such homes.

37. His organization recommended that greater emphasis should be placed on authentic age determination; that local social organizations should be given greater access to institutionalized children; that the autonomy of the people actually running the institutions should be increased; and that an active, non-official advisory board should be set up for each institution.

38. Mrs. CHIEKO (Japan Federation of Bar Associations) said that one aspect of her Federation's activities was the implementation of international juvenile justice standards; its written report contained more details. The Federation had promptly translated the international instruments relating to juvenile justice into Japanese and introduced them to the public. It had also written and published a manual on the implementation of juvenile justice standards and another designed for lawyers on giving legal assistance to children.

39. Among her Federation's main concerns were corporal punishment by teachers and child abuse. Abused children often went on to commit serious crimes and it was important for such backgrounds to be taken into account in the juvenile justice system. Her organization strongly objected to the idea that juvenile justice should be reformed in the direction of severe punishment. To provide a clearer idea of the extent of such problems, it had established a system of free counselling and telephone consultations. It also advised schools, issuing warnings if necessary, in corporal punishment cases, raised public awareness of corporal punishment and child abuse and took legal action against school authorities or parents if necessary.

40. One of the main problems in Japan's juvenile justice system was that only a small portion of juveniles was provided with full legal assistance in juvenile hearings. Under the Juvenile Justice Act, juveniles spoke at the sole discretion of the family court judge. Lawyers were retained in only 1 per cent of all juvenile cases and only 16 per cent of the most serious cases. One of her organization's main objectives was to increase the number of lawyers retained in juvenile justice. To that end, it had distributed its manual on the legal defence of children to all lawyers.

41. The Juvenile Legal Aid Project, introduced in 1973, provided for assistance from a lawyer through the Legal Aid Association if the family court judge considered it necessary. Such lawyers were paid by the Association, but received only one quarter of the standard fees, so that, despite the expansion of the activities of court-appointed lawyers in juvenile cases, the situation did not satisfy international standards. Although the duty attorney system operated by bar associations, under which lawyers consulted with suspects at their place of detention upon request, applied to increasing numbers of cases, few specifically involved juveniles.

42. Because it was based on donations by bar associations and municipal or other entities, the legal aid system faced severe financial limitations. Her Federation had proposed legislation to allocate national funds to the Legal Aid Association.

43. Her Federation's efforts also concentrated heavily on the conditions of juveniles deprived of their liberty. At the police questioning stage, many juvenile suspects were held in police lock-up cells, and that tended to facilitate forced confessions, battery, threats and other human rights violations by the police. Separation of juveniles from adults was incomplete, in violation of article 37 (c) of the Convention. Visits by the family to juveniles deprived of their liberty were restricted to one a month and juveniles were not permitted to return home temporarily or communicate by telephone, in violation of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. To bring the system into line with the Rules, her Federation had attempted to publicize the situation by conducting a questionnaire in 1991, but the Ministry of Justice had not cooperated.

44. In conclusion, she said that lawyers should be actively involved in activities relating to juvenile cases, the number of lawyers trained in juvenile justice should be expanded and access to lawyers by juveniles should be facilitated. To that end, children should be fully informed about assistance from a lawyer, they should be entitled to request assistance and full legal assistance should be provided even for those children who could not afford it.

45. The CHAIRPERSON, summing up the discussion, said most of the comments, which reflected experiences in specific country or institutional contexts, highlighted the importance of international instruments other than the Convention on the Rights of the Child in ensuring respect for the human rights of children and in objectively identifying those who violated such rights. In regions such as Africa and Latin America, where family values remained particularly strong and the extended family was still common, it was easier to counter tendencies towards juvenile delinquency. That suggested that, in both the drafting and, more importantly, the implementation of legislation, traditional values should be duly taken into account. Research on traditional societies should be carried out in order to determine how to use their positive elements to best advantage and incorporate such elements in domestic legislation.

46. A number of suggestions on juvenile justice systems also had to be taken into account. The right not to be deprived of liberty should be ensured in legislation and detention must be used as a last resort and be of the shortest possible duration. Most speakers had stressed the importance of educational and preventive measures in averting ill-treatment, torture and other violations of human rights. They had suggested that investigatory and monitoring activities should be carried out, that the death penalty should be abolished for children and that regular visits by non-governmental organizations and independent bodies should be ensured. The establishment of institutions such as that of the ombudsman had been recommended; it was of the utmost importance to ensure not only that legislation on the human rights of children was in place, but also that there were guarantees of its implementation.

47. In the area of information and public awareness, most speakers had drawn attention to the need to develop orientation and training manuals for the

general public and for juvenile justice professionals. The need to translate the Convention and other international instruments into local languages had been mentioned. Lastly, a system of advisory services to enable children themselves to defend their rights had been proposed.

48. Mr. KOLOSOV noted that the importance of crime prevention policies, education, the media, social work, the improvement of living standards and the provision of sports facilities in preventing juvenile delinquency was widely recognized, as was the need to take account of certain psychological traits such as aggressiveness. Yet there was no evidence that any preventive measures devised so far had been effective. Some young people were simply in risk groups for delinquency and, for them, special approaches had to be developed.

49. Over the past 10 years, juvenile crime had increased in nearly all countries and recidivism was becoming a major concern. Many juvenile offenders who had been in correctional institutions went on to replenish the army of adult offenders. In order to prevent recidivism, the policies of correctional institutions should be changed. The first alteration must be to find a more neutral name for the correctional institution, for the stigma attached to a stay in such a place remained with a young offender for life. Brutality, and above all sexual abuse, must be eradicated, since statistics showed that nearly one boy in five in correctional institutions was subjected to sexual abuse. Injustice must be abolished and those who committed injustice must be punished. Food must be made more plentiful and more palatable. An effective system for compiling complaints must be established. The accountability and openness to scrutiny of correctional institutions must be ensured and improved: regular visits by non-governmental organizations and UNICEF representatives could be helpful in that respect. Lastly, the administrative affiliation of correctional institutions should be changed and they should be supervised by special departments within the Ministry of Justice or Education, not by the Ministry of the Interior, as was most often the case.

50. Ms. MOURAVIEFF-APOSTOL (International Federation of Social Workers) noted that research had been mentioned in the course of the discussion, but no one had spoken of the need for the voices of young offenders to be heard. Listening to such offenders was of the utmost importance and she proposed three questions that they could be asked as a way of gaining their confidence and encouraging them to reflect on their behaviour. What measures, whether punishment or advice, might deter them from committing other offences? What did they consider to be appropriate compensation for the victims of their offences? Young people often had a strong sense of justice, and that should be exploited, and a link between punishment and offence should be established. And, lastly, how would they act if required to adjudicate or intervene in juvenile justice cases?

51. Young offenders often had personality problems or insecurities that they sought to mask through aggressive behaviour. If they were made to take responsibility for their acts and to offer advice, their self-image would improve. Whatever action was taken, it must be done not just for young offenders, but with them.

52. Mr. BEAULIEU (International Association of Juvenile and Family Court Magistrates) said the media had to be prevailed upon to report events less sensationally and more accurately; society had not sufficiently insisted on media accountability. It was argued that there was no direct evidence that violence on television was replicated in real life, but so much damage had been done by now that the media had to prove itself innocent, not simply claim innocence. The media should furnish real crime statistics, not simply sensationalistic stories of exceptional cases. They should not only inform, but also help to form attitudes. The violence, sex and negative attitudes towards any and all authorities conveyed on television, in videos, music and magazines had an impact on the values not only of young people, but also of their parents.

53. When one spoke of alternatives to the criminal justice system, the truth was that, while the authority of parents and religious institutions had declined, the school was still a key institution. It was therefore well placed to identify rapidly and intervene in problems connected with nocturnal behaviour, learning disabilities, violence in the home, etc. Such problems did not amount to criminal acts but if not dealt with quickly, they might be acted out through antisocial or criminal tendencies. Juvenile courts were increasingly becoming the intake department of all of society's ills, yet most cases they handled would never have come up if problems had been dealt with promptly and effectively by the protective agencies. The time had come to set goals with firmness and conviction; otherwise, the situation would only worsen in the next 5 to 10 years.

54. Mrs. BADRAN, referring to the project in the occupied West Bank, said the wide variety of activities it entailed were aimed not only at helping individual children, but at changing an entire system. One way of achieving such change was by publicizing the unacceptable aspects of the system; it was therefore encouraging to see the emphasis placed by the project on disseminating the facts about the situation in the West Bank.

55. The traditional approach to social control relied on face-to-face encounters in small communities where social pressure could be used to maximum advantage, including to deal with juvenile delinquency. Societies were not static, however, and could not revert entirely to previous ways of life. She therefore considered it unlikely that traditional methods of dealing with young offenders could be mobilized successfully in evolving societies.

56. The special needs of impoverished children in the juvenile justice system must be taken into account. It was all very well to recommend that all children should be given legal assistance and that the Government must provide it if their families could not afford it otherwise. But the lawyers assigned to such cases were often lacking in experience and know-how and the child was consequently disadvantaged. Similarly, a recommendation that parents must have the right to visit children in detention or in prison would have no effect on the life of an impoverished child, whose parents might not be able to afford time off from work to visit.

57. She entirely endorsed the comment that what was in the best interests of the child was in the best interests of society. A juvenile justice system

that did not function well failed not only the children, but society as a whole, for, far from protecting society, it merely generated criminals to prey upon it.

58. The CHAIRPERSON said she agreed that traditional approaches to social organization must be adapted to contemporary conditions. While delegations from countries that retained traditional structures often claimed that children were kings, the reality was very different, for society's evolution had fragmented traditional structures and modern structures had not yet been acquired to replace them. That was why the Committee encouraged countries to incorporate the positive aspects of traditional social structures in domestic legislation and social and penal institutions. International cooperation to improve domestic legislation and institutions was also important.

59. Mr. KRECH (United Nations Crime Prevention and Criminal Justice Branch) said the Crime Prevention and Criminal Justice Branch had prepared a manual on juvenile justice instruments, but its dissemination was being held up because of funding difficulties. Over the past year, a number of initiatives on the administration of juvenile justice had been undertaken. In November 1994, the Austrian Government had organized an expert group meeting on children and juveniles in detention. The recommendations made at that meeting had been taken up at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in May 1995, and had been discussed by the Commission on Human Rights at its 1995 session.

60. Member States, alerted to the critical situation that juvenile offenders faced in most parts of the world, had invited the Secretary-General to consider ways of formulating a programme of action aimed at promoting the effective application of relevant United Nations norms and standards. The Crime Prevention and Criminal Justice Branch had taken up the challenge of proposing the elements of such a programme. One element would be technical cooperation and coordination of activities among United Nations bodies in order to further the administration of juvenile justice. There was a need to demonstrate that inter-agency cooperation could advance the enforcement of children's rights by promoting fair trials for juveniles, the enhanced use of non-custodial measures and the full implementation of basic standards for juvenile detention facilities.

61. A further step in such coordination might be to identify the best ways of implementing the Committee's recommendations on juvenile justice reform. So far, the Branch had received no requests from States concerning those recommendations. It would be useful to look into procedures for channelling such requests through the United Nations to Governments and non-governmental organizations to ensure proper follow-up of the Committee's recommendations. Such requests should come from the highest political levels as a demonstration of political willingness for reform, without which no progress could be made.

62. The CHAIRPERSON said the Committee had adopted a number of recommendations on technical assistance to Governments in the area of juvenile justice and was concerned that they should be implemented. It was thus encouraged to learn that a project had been launched in response to a specific request for assistance from a State party.

63. Mr. O'DONNELL (Rädda Barnen) said he had been working with the Government of Viet Nam since the previous year on a training project sponsored jointly by Rädda Barnen and UNICEF. Viet Nam's Committee for the Protection and Care of Children had decided that there should be an intersectoral approach to training, involving the courts, the Public Prosecutor's Office, the Ministry of Justice and the Ministry of the Interior. Also involved would be bodies such as the Women's Union and the Youth Union, which played an active part in the adjudication of cases involving juvenile offenders, in delinquency prevention and in the supervision of children who had been given non-custodial sentences. The first stage of the project was an educational programme providing a general overview of international standards in the field of juvenile justice, as well as of certain basic principles of child psychology. The second stage was to be research on training needs and on the way children in conflict with the law were actually handled in Viet Nam.

64. It had been decided that the training should provide knowledge of national and international norms, as well as of the social sciences, and should encourage attitudinal change. In-house training courses within the various ministries, as well as training courses for law enforcement officials, would be introduced.

65. After some six months, the Government had also requested assistance in the field of law reform. Activities being developed in that area included study visits to other countries and visits to Viet Nam by foreign experts. In 1996, 10 or 12 countries of the South-East Asia region would be invited to a seminar in Viet Nam, designed to provide Vietnamese officials with practical information on how to carry out the reforms and also to identify contact persons in other countries of the region who could help to disseminate knowledge of them.

66. The training project was not yet really under way and it would be another year before its effectiveness could be evaluated. It had proved much more difficult than anticipated to persuade the Government to provide information on the extent and nature of delinquency in Vietnamese society. In that connection, the Committee could help by being more specific in its guidelines as to the type of information it expected countries to provide. He added that training was only part of a comprehensive package which would eventually include research, law reform and administrative restructuring.

67. Mr. MOKHIBER (Advisory Services, Technical Assistance, and Information Branch, Centre for Human Rights) said the Viet Nam project was an example of how the Centre endeavoured to build on work already done by the various bodies involved. It would shortly be sending a mission to Viet Nam to launch a project intended to be complementary to initiatives already undertaken to strengthen juvenile justice. The aim would be to create programmes which focused on training and capacity-building and also covered law and policy. Those programmes would include advice on how to frame standing orders for law enforcement officials and codes of criminal procedure.

68. In 1994, the Centre had been involved in some 150 activities in 50 countries, all of which had a juvenile justice component. It based

its work on the Convention, the Standard Minimum Rules for the Administration of Juvenile Justice and the Guidelines for the Prevention of Juvenile Delinquency. Since 1992, it had been developing a set of technical cooperation and training tools, the latest of which was a manual giving advice not only on standards, but also on how to translate those standards into practice, for instance by the use of ethical techniques for interrogation and crowd control. A number of new manuals were in preparation, one for prison service officials and another for lawyers, judges and prosecutors. The Centre had recently been cooperating with INTERPOL in developing model programmes in the field of juvenile justice for police officers.

69. The Centre had of course taken note of the many recommendations regarding technical cooperation made by the Committee and other treaty bodies. He pointed out, however, that those recommendations in themselves were not sufficient to secure technical assistance: a specific request from Governments was needed.

70. The CHAIRPERSON thanked the representative for that information. With the support of the High Commissioner for Human Rights, the Committee would be doing all it could to strengthen its cooperation with the Centre.

71. Mr. BELSEY (World Health Organization) said all the articles of the Convention were interlinked and failure by States parties to implement any one of them would jeopardize the health and development of the child as much as infectious diseases or nutritional deficiencies.

72. In the matter of juvenile justice, speakers had emphasized the importance of prevention. Responsibility for prevention began in infancy, with the bonding of the child to one, or preferably two, primary care-givers. That bonding process greatly reduced the risk of aggressive behaviour and laid the foundation for the child's ability to acquire skills for resolving conflict by non-violent means by as early as three or four years of age. Unfortunately, adults were well aware of the vulnerability of children who lacked such bonding and exploited their potential for aggression by using them for criminal activities such as drug trafficking or as recruits in armed conflicts. He urged the Committee to ask States parties what steps they had taken to prosecute such individuals.

73. He drew the Committee's attention to the insensitivity shown by the media to the effects of audiovisual images on children when they were still too young to be able to distinguish fantasy from reality. Research had shown that there was a relationship between the banalization of violence on television and aggressive and violent behaviour in children. It was thus essential that States parties should give effect to article 17 (e) of the Convention by encouraging the development of guidelines for the protection of the child from injurious information and material. He suggested that the Committee should request UNICEF, UNESCO, WHO and other organs of the United Nations system to develop such guidelines, in close collaboration with NGOs.

74. The CHAIRPERSON said it had been agreed that, in the field of juvenile justice, not only the Convention, but also other international instruments should be taken into account. Likewise, all the provisions of the Convention, and not only articles 37, 39 and 40, were relevant to the issue. Particular

should be taken into account. Likewise, all the provisions of the Convention, and not only articles 37, 39 and 40, were relevant to the issue. Particular emphasis had been placed on the need for training, both for those concerned with prevention and for those concerned with the protection or detention of juveniles.

75. The Committee had taken note of the recommendations made on how it could improve the drafting of its lists of issues and its guidelines to States parties on the preparation of reports.

76. Mrs. SANTOS PAIS noted that the discussion had highlighted the need to make information on the Convention available to children, so that they could use existing mechanisms to defend their rights. The importance of training had also been emphasized: she suggested that efforts should be made to include the values of the Convention in the curricula of training programmes and in professional codes of ethics. The new manuals on juvenile justice and on the training of law enforcement officials which had been referred to should be widely distributed.

77. The Committee's concluding observations were of great importance, first because they constituted a comprehensive approach to the implementation of children's rights and, secondly, because they were based on an instrument which had been almost universally ratified. The reason so many States parties had not yet requested specific assistance following those concluding observations might be that the Committee had failed to take the initiative in urging them to do so.

78. She welcomed the proposal made for the establishment of a training network, as well as the proposal for an overall strategy to assist States parties in reforming their system of juvenile justice. The Committee would be willing to cooperate in those efforts.

79. Mrs. KARP suggested that the Committee should hold a special discussion on the implications for its work of the recommendations and suggestions just made.

80. The CHAIRPERSON said those recommendations had been noted and would be included in the Committee's report on its tenth session.

81. Mr. O'FLYNN (Rädda Barnen) pointed out that the vast majority of juvenile offenders grew out of offending unless they were criminalized by detention. The remedy was to remove such young people from the criminal justice system altogether.

82. Mr. KOLOSOV supported the proposal that Governments should be urged to take action to ensure that the use of juveniles by adults for criminal activities was severely punished.

83. Mr. DUNANT (International Association of Juvenile and Family Court Magistrates) drew attention to a press report entitled "Child criminals",

which revealed that almost one quarter of persons in illegal possession of arms in the United States were children under 18 years of age. He stressed that it was not children who were to blame for that situation, but, rather, the policy on arms sales followed by the Government.

84. The CHAIRPERSON thanked the participants for their contributions. The discussion would be continued at the meeting that the Centre for Human Rights had scheduled for the following week.

The meeting rose at 5.55 p.m.